IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
Notice of Motion No.3139 of 2006
In
Central Excise Application No.12 of 2001

The Commissioner of Central
Excise, Nashik. .. .. Applicant
v/s.
Jyoti Ceramic Ind.Pvt.Ltd. .. .. Respondent

Mrs.S.V. Bharucha for applicant.

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATED : 19th October 2006

P.C. :

1. Heard Mrs.Bharucha in support of this Motion. Motion seeks condonation of delay in filing the above Application and for restoration of Central Excise Application No.12 of 2001. The other prayer of the Motion is to recall the order dated 8th June 2006, whereby the said Application came to be dismissed for non-prosecution. The respondent has been served.

2. In the circumstances, we accept the explanation for delay as also for not remaining present when the Application came to be dismissed for default on 8th June 2006. We allow the Motion in terms of prayer clauses (a) and (aa). The main Application stands restored to the file. The same

is already admitted.

3. C.A. disposed of.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)